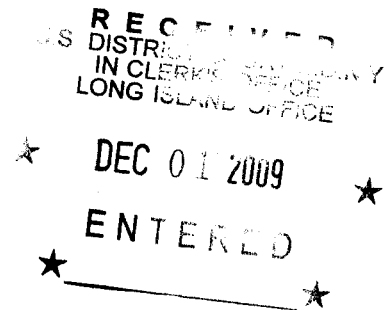


Roland Conde
5 Carman Court
Huntington Station, NY 11746
eljote2@optonline.net

November 30, 2009

Honorable Joseph F. Bianco
Honorable A. Kathleen Tomlinson
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722



Re: Chord Associates LLC et al v. Protech 2003-D et al.
Case No 07-CV-5138 (JFB) (AKT)

Dear Judges Bianco and Tomlinson:

I am writing in my capacity as pro se counterclaim defendant to respectfully request an extension of my time to answer defendants/counterclaim-plaintiffs motion to dismiss my counterclaims, which was originally due on November 13, 2009, for a period not to exceed ten days after a decision is rendered pursuant to Honorable Judge Bianco's ruling subsequent to the November 30, 2009 telephone conference. No other previous request has been made to extend the time to answer this motion.

As your Honors can see from the attached email dated November 6, 2009, I initially requested the extension from defendants' counsel (Exhibit 1), and was perhaps lulled, or confused, by the successive statements from Ms. McGrath that "she would have granted the courtesy" of the extension but did not think it was possible to do so because of her stated position that "there should be no further activity of any sort in this litigation" (Exhibit 1).

In the past few months, starting approximately on July 28, 2009, there have been several requests for scheduling changes and extensions, some initiated by myself, some by defendants' counsel, and we have always agreed before submitting our mutual consent for the Court's approval (Exhibit 2).

I apologize if I have erred in some way in the belief that all activity in the case was to be held in abeyance of the Court's ruling on Ms. McGrath's "opinion" that the bankruptcy filing's

automatic stay extends to non-debtors, and hereby inform the Court that I have complied with Hon. Judge Tomlinson's Order in submitting individualized answers to defendants' discovery requests in a timely fashion on November 18, 2009.

I would like to further advise the Court that my medical condition has improved to an extent that I am able to comply with Judge Tomlinson scheduling order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roland Conde". The signature is written in a cursive, flowing style.

Roland Conde, *pro se*

EXHIBIT 1

----- Original Message -----

From: McGrath, Catherine M.

To: eljote2@optonline.net

Cc: Kramer, Rachel E. ; asdlaw@aol.com ; brucehkaplan@optonline.net

Sent: Friday, November 06, 2009 3:16 PM

Subject: FW: request to extend time to answer

Roland:

You will have received a copy of the letter that we filed yesterday advising the Court that that various Capmark entities have filed bankruptcy petitions, each of which triggers an automatic stay. In the letter we ask Judge Bianco to put the litigations on the suspense calendar. We believe this moots your request for an extension, and while we would have granted you the courtesy of an extension but for the bankruptcy filings, our position is that there should be no extension because there should be no further activity of any sort in this litigation.

Catherine

From: Roland <eljote2@optonline.net>

To: Kramer, Rachel E.

Sent: Fri Nov 06 00:16:32 2009

Subject: request to extend time to answer

Ms Kramer

I write to request an extension to file my response to Defendants' Motion to Dismiss, from November 12, 2009 to November 27, 2009.

As you are aware, Judge Tomlinson's October 16, 2009 Minute Order requires me to provide individualized answers to your requests for documents by November 18, 2009, and this has hampered my ability to fully concentrate on both tasks.

I thank you for your anticipated courtesy.

Roland Conde, *pro se*

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EXHIBIT 2

----- Original Message -----

From: Kramer, Rachel E.
To: Roland
Sent: Tuesday, July 28, 2009 12:26 PM
Subject: RE: Phonecall to Hon Judge Tomlison

I will send you a stipulation to sign, which we can then submit to the court.

Rachel Kramer
rkramer@foley.com
(212) 338-3545

From: Roland [<mailto:eljote2@optonline.net>]
Sent: Tuesday, July 28, 2009 12:36 PM
To: Kramer, Rachel E.
Subject: Re: Phonecall to Hon Judge Tomlison

Ms.Kramer

As you require, I agree not to assert any defense or affirmative defense or to make any motion based on a claim of lack of personal jurisdiction based on service of process.
That said, how do we proceed to seek the Court's approval to extend my time to answer?.

Roland Conde

----- Original Message -----

From: Kramer, Rachel E.
To: Roland
Cc: Felder, Barry G. ; ASDLAW@aol.com
Sent: Tuesday, July 28, 2009 12:12 PM
Subject: RE: Phonecall to Hon Judge Tomlison

Mr. Conde,

Subject to the Court's approval, we will agree to extend your time to answer or move by 15 days (that is, to and including August 13, 2009), provided that you agree not to assert any defense or affirmative defense or make any motion based on a claim of lack of personal jurisdiction based on service of process.

Rachel Kramer

Rachel Kramer
rkramer@foley.com
(212) 338-3545

From: Roland [mailto:eljote2@optonline.net]
Sent: Tuesday, July 28, 2009 11:52 AM
To: Kramer, Rachel E.
Subject: Phonecall to Hon Judge Tomlison

I called Hon.Judge Tomlison's chambers this morning seeking additional time to answer papers that were placed at my doorstep on July 9, 2009, although I have not received the referenced copy that was presumably mailed on July 10, 2009, I acknowledge being in possession of notice of a certain amended counterclaim naming me as counterclaim defendant.

I have been seeking legal representation, unsuccessfully, since then, and am giving you this notice as a result of Judge Tomlison's law clerk informing me that I could not speak directly with the Judge without all attorneys participating in the conference.

Could you please agree to an extension of my time to answer, or, if this is not possible for you, then could you arrange to be on a phone call with all attorneys where I will ask for the same courtesy from the Court?

Thank you

Roland Conde

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and was not written to support the promotion or marketing of any transaction or matter discussed herein.

----- Original Message -----

From: Kramer, Rachel E.
To: Roland ; ASDLAW@aol.com
Sent: Wednesday, July 29, 2009 8:47 AM
Subject: Chord v Protech: Stipulation

The attached was just filed.

Rachel Kramer

FOLEY & LARDNER LLP
90 Park Avenue
New York, New York 10016-1314

TEL: (212) 338-3545
FAX: (212) 687-2329
EMAIL: rkramer@foley.com
WEB: <http://www.foley.com>

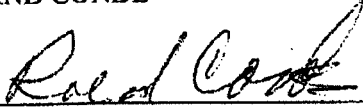
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1. Roland Conde acknowledges that he has been served in this action with a summons and First Amended Answer and Counterclaims (the "Amended Counterclaims").
2. Mr. Conde shall answer or move with respect to the Amended Counterclaims on or before August 13, 2009.

3. Mr. Conde hereby waives and agrees not to assert, whether by answer, motion or otherwise, any defense or affirmative defense based on a claim of lack of personal jurisdiction based on service of process.

ROLAND CONDE


Roland Conde
5 Carman Court
Huntington Station, New York 11746
Counterclaim-Defendant, Pro Se

FOLEY & LARDNER LLP

By: 
Rachel Kramer
90 Park Avenue
New York, New York 10016
(212) 338-3545
*Attorneys for Defendants/Counterclaim-
Plaintiffs*

SO ORDERED:

Honorable A. Kathleen Tomlinson, U.S.M.J.

Dated: _____, 2009

----- Original Message -----

From: McGrath, Catherine M.

To: Roland

Cc: asdlaw@aol.com ; Bruce H. Kaplan ; Kramer, Rachel E.

Sent: Monday, November 16, 2009 2:32 PM

Subject: Chord, etal, v Protech, etal

Roland:

In our email exchange regarding your request for an extension of time to oppose Counterclaim Plaintiffs' motion to dismiss your counterclaims, we responded that in our view there should be no extension because the case should be suspended. I take it from your recent correspondence with Mr. Jurist that you do not agree that the case should be suspended and you are instead pressing forward with discovery activity. In that case, we would have expected to have received from you either your opposition or a copy of correspondence with the Court requesting an extension. We have not received either. If you have filed an opposition or requested an extension, you may serve us by email. We ask that you do so promptly.

Catherine

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